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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,641	02/11/2004	Les T. Dooley		1312

40851 7590 10/12/2006

LES DOOLEY
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EXAMINER

BUTLER, MICHAEL E

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Notice of Non-Responsive Response

1. The reply filed on 7/24/2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The rejection mailed 5/30/2006 contains rejections under both 35 U.S.C. ¶112 second paragraph and 35 U.S.C. 102(b). See 37 CFR 1.111. Applicant has submitted an argument directed only at the prior art rejection under 35 U.S.C. 102(b). 35 U.S.C. ¶112 second paragraph requires the claims have a definite claim scope.

A rejection under 35 U.S.C. ¶112 second paragraph means the claim has an indefinite scope-i.e., there is more than one interpretation of the scope of the claim. Applicant needs either present an amendment to the claims or present a rebuttal argument to both the prior art (as applicant did) and the indefiniteness rejections (as applicant did not). Applicant's future response should be directed at overcoming both types of rejection.

As neither an amendment to the claim nor a rebuttal argument has been presented, applicant's response of 7/24/06 is nonresponsive to the rejections under 35 U.S.C. ¶112 second paragraph.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).


Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (571) 272-6937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MLB
10/6/06


PATRICK MACKEY
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